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OFFICE OF PETITIONS

In re Application of :
FRANCIS DELAPORTE :
Application No. 10/505,340 : DECISION ON PETITION
Filed: 05/10/2005 :
Attorney Docket No. 026032-4805 :
:

This is a decision on the petition under 37 CFR 1.181, filed October 9, 2007, to withdraw the holding of abandonment for the above-identified application.

On January 29, 2007, the Office mailed a non-final Office action, which set three-month shortened statutory period for reply. On August 9, 2007, the Office mailed a Notice of Abandonment, indicating the application was abandoned because no reply was received.

In the present petition, applicants asserted that they filed a timely reply. Upon reviewing the record, the Office has located the reply in the form of an amendment and a request for an extension of time for response within the third month (and fee) in the Image File Wrapper filed on July 27, 2007. Accordingly, the reply is considered timely filed on July 27, 2007.

The petition under 37 CFR 1.181 is granted. The holding of abandonment is hereby withdrawn. The application is restored to pending status in view of the fact that the reply was timely filed July 27, 2007.

The matter is being referred to Technology Center Art Unit 2855 for a review of the reply filed on July 27, 2007.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. All other questions regarding the status of the application or the examination procedures should be directed to the Technology Center.

C. T. Donnell

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